

**BEFORE THE AIR POLLUTION CONTROL BOARD
EASTERN KERN AIR POLLUTION CONTROL DISTRICT**

In the matter of:

RESCIND FROM STATE
IMPLEMENTATION PLAN (SIP)
EASTERN KERN AIR POLLUTION
CONTROL DISTRICT RULE 111,
EQUIPMENT BREAKDOWN

Resolution No. 2016-001-11

I, Debra Bias, SECRETARY TO THE AIR POLLUTION CONTROL BOARD OF
THE EASTERN KERN AIR POLLUTION CONTROL DISTRICT, certify that the
following Resolution, proposed by Director Breeden and seconded by Director
Scrivner, was duly passed and adopted by said Board at an official meeting
on this 10th day of November, 2016, by the following vote:

AYES: Warren, Scrivner, Gleason and Breeden
NOES: None
ABSENT: Grimes

(District Seal)



DEBRA BIAS
Secretary of the Air Pollution Control Board
the Eastern Kern Air Pollution Control District

By Debra Bias

STATE OF CALIFORNIA
EASTERN KERN AIR POLLUTION CONTROL DISTRICT
I, Debra Bias, Secretary of the Board of Directors do hereby
certify the foregoing to be a full, true and correct copy of the
original Resolution 2016-001-11
on file in my office.
Witness my hand and seal of the Board of Directors.
This 17th day of November 2016
(Seal)
DEBRA BIAS, Secretary of the Board of Directors
By: Debra Bias Clerk

RESOLUTION

Section 1. RECITALS:

(a) The Eastern Kern Air Pollution Control District ("District") is authorized by Health and Safety Code section 40702 to make and enforce all necessary and proper orders, rules and regulations to accomplish the purposes of Division 26 of the Health and Safety Code; and

(b) The Air Pollution Control Officer ("APCO") for said District has recommended that the Board of Directors of the Eastern Kern Air Pollution Control District ("Board") consider adopting certain revisions to the Rules and Regulations of the District; and

(c) On October 24, 1980, the Environmental Protection Agency (EPA) adopted Eastern Kern Air Pollution Control District (District) Rule 111, Equipment Breakdown into the State Implementation Plan (SIP) (45 FR 70449); and

(d) On June 12, 2015, EPA published its final startup, shutdown, and malfunction (SSM) SIP Call, recalling EPA-approved air district rules governing emissions associated with SSM events at regulated facilities in 36 states; and

(e) EPA found an affirmative defense provision in the State of California SIP, applicable to District Rule 111, Equipment Breakdown showing inadequacies in meeting Clean Air Act (CAA) requirements; and

(f) District requests California Air Resources Board (ARB) withdraw all submittals of Rule 111, Equipment Breakdown from the SIP; and

(g) Rule 111, Equipment Breakdown last Amended 5/2/1996, will remain in District Rule Book and continue to be enforced locally; and.

(h) A notice of a public hearing on November 10, 2016, at the hour of 2:00 p.m. at the Ridgecrest City Hall Board Chambers, 100 West California Ave., Ridgecrest, California, to consider rescission of Rule 111 (Equipment Breakdown) from the SIP, was duly given; and

(i) The matter was heard at the time and place so specified, evidence was received and all persons desiring to be heard in said matter were given an opportunity to be heard;

Section 2. IT IS RESOLVED by the Board as follows:

1. This Board does hereby request California Air Resources Board rescind Rule 111, Equipment Breakdown from District's State Implementation Plan.

2. Rule 111, Equipment Breakdown, Amended 5/2/1996, will remain in District Rule Book and continue to be enforced locally, but will no longer be part of the District's SIP.

3. All notices required to be given by law have been duly given in accordance with Health and Safety Code section 40725, and the Board has allowed public comment, both oral and written, in accordance with Health and Safety Code section 40726; and

4. Findings of this Board, as required by Health and Safety Code Section 40727 are as follows:

a. The proposed revisions are necessary to accomplish the purposes of Division 26 of the Health and Safety Code and to comply with state and/or federal Clean Air Act requirements; and

b. The Board is authorized to act on rules and regulations as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the District by Health and Safety Code section 40702; and

c. The Board has reviewed the proposed action and has determined that the said provisions are set forth in clear and concise language so that their meaning can be easily understood by the persons directly affected by them; and

d. The proposed action is in harmony with, and not in conflict with or contradictory to, existing District Rules and Regulations, statutes, court decisions, or state or federal regulations; and

f. The action being implemented is in compliance with Health and Safety Code section 40001, which requires District adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emissions sources under its jurisdiction, and enforce all applicable provisions of state and federal law.

5. This Board finds rescission of Rule 111 (Equipment Breakdown), from the SIP poses no significant impact on the environment and is exempt from California Environmental Quality Act ("CEQA") Guidelines pursuant to the Section 15061, Subsections (b) (2) & (3).

6. District staff is directed to prepare a Notice of Exemption for this project, and the Secretary of this Board is hereby directed to file the Notice of Exemption with the Kern County Clerk.

7. The District shall maintain a record of this rule-making proceeding in accordance with Health and Safety Code section 40728.

8. The Secretary of this Board is hereby directed, for the purposes of conforming to Section 40704 of the Health and Safety Code, to cause a certified copy of this Resolution, together with the Rule and Regulation adopted herein, to be filed with the California Air Resources Board.

9. The Secretary of this Board is further directed to cause a certified copy of this Resolution to be forwarded to the APCO for said District and to the County Counsel of Kern County.

10. The APCO for said District is directed to transmit Rule 111, (Equipment Breakdown) rescission request to the California Air Resources Board for submittal to EPA for revision of District's State Implementation Plan.

11. The Board authorizes the APCO for said District to include in the submittal or subsequent documentation any technical corrections, clarifications, or additions that may be needed to secure EPA approval, provided such changes do not alter the substantive requirements of the approved rule.